

body—but one of the most effective persons because he is the type of person that has the intelligence and the wherewithal to put together a budget package, and the type of person who can come up with amendments that can be enacted into law.

He served in the House of Representatives for 10 years. Certainly, he also had private sector business experience, he served in Vietnam, a person that is very well respected, a Senator, frankly, that I hate to see leave the Senate after only one 6-year term in the Senate.

He will certainly be missed by this Senator and I think all Senators. I wish Senator Hank BROWN and his wife, Nan, all the best, as they return to the private sector.

I yield the floor.

Mr. SIMPSON. Mr. President, I thank my friend from Oklahoma for his remarks about my pending retirement. I want to commend him because I have done that line of work. I served for 10 years as the assistant leader, and the occupant of the chair served for 8 years as assistant leader, so the three of us in this Chamber have added quite a dimension to the efforts of the Senate. I commend the Senator. I think he is doing a fine job. I am very proud to have seen you do the job. You are going to succeed very well in the future and be of great assistance to our very fine leader, TRENT LOTT, who, I think, too, is truly a leader. I thank the Senator for that.

Let me indulge my absent colleagues for a few minutes as I speak of winding down 31 years of legislating. I did this for 13 years in the Wyoming house of representatives, serving in many capacities there—assistant leader and majority leader, and I enjoyed that very much. One of the great honors of my legislative life was to serve here as assistant majority leader and assistant minority leader. I have enjoyed that leadership role. I commend those who throw themselves into the fray to do that. It is a contact sport.

IMMIGRATION REFORM

Mr. SIMPSON. Mr. President, let me just relate a bit about the immigration legislation which is now on its way to us in the continuing resolution. After negotiations until about 2 a.m. two nights ago and then until this morning until 4:30 a.m., if I look bright and alert it is deceptive in every sense. One of my staff, John Knepper, a fine young man, spent all night here and all morning. We finally turned him back to his home in a zombie-like condition and thank him so much for his splendid work last night and this morning.

In the course of dealing with this huge bill, a very significant bill with regard to illegal immigration, we all were confronted with the reality that the purpose of leaders is to lead. Our leaders wanted to complete this session and do it this weekend. To do that, there were accommodations of varying

degrees, obviously. Some disappointments, some victories, some defeats. We all know that feeling as we wind down a legislative year. It is the time when much can happen, and if one is not observing carefully, things are slid into a bill and things are slid out of a bill. We all, then, go home and say, "Wait, what happened here?" Or, "Well, we got that in." That is the way legislating is, too.

I thought that the leadership, in pressing forward to meet the schedule that they set for themselves and the bipartisan way in which it was done, our majority leader, TRENT LOTT and minority leader, TOM DASCHLE, NEWT GINGRICH, the Speaker of the House, our assistant leader here, DON NICKLES, Senator FORD, all worked together to make it work. I saw that over the course of days.

The other evening when we went until 2 a.m. there was a group of four of us, including Congressman LAMAR SMITH. I must pay him tribute: A remarkable man, steady, and thoughtful. I have never seen him get too impatient, never seen him really rise up like your loyal correspondent does from time to time. He was steady on the course throughout.

The rest of that quartet were Senator KENNEDY and Congressman HOWARD BERMAN and myself. We worked up some changes to what is called title V. There are no changes in the conference report on immigration, on illegal immigration, except in that one section. Everything else is exactly the same, and it is sweeping. It is about new Border Patrol agents, 5,000. It is about new penalties for those who use or alter or make fraudulent documents. It extends the visa waiver pilot program, and it provides 900 new investigators over 3 years to enforce alien smuggling and employer sanctions. Alien smuggling can subject one to a life in prison. There are heavy penalties to those who misuse and abuse documents, and 300 INS investigators will be hired here to check on those who overstay their visas. Remember that half of the people who come to the United States illegally originally were here legally. In other words, half of the illegal population in the United States came here legally, and then, of course, visa overstayers, visa fraud, student overstayers—we have the ability now to begin to correct that.

There is a newly rewritten and streamlined removal process, combining exclusion and deportation into a single legal process. We also got rid of layers of people who love to bring class actions and disrupt the normal course of the INS's work. We make the sponsors' affidavit of support, finally, a legally enforceable document which should provide some relief to the U.S. taxpayer.

There is a minimum INS presence in every State. There is a system of expedited removal which should curb the abuse of our asylum system while still providing a hearing for an immigration

judge to those who make an asylum claim.

I want to thank Senator LEAHY for his work. I did not thank him at the time the amendment passed properly, but, nevertheless, a good deal of his material is in here. He felt strongly about that and he presented it well and won the case here. We adjusted that measure somewhat but it is still a good measure—not exactly what he would have wanted and not exactly what I would have wanted, and therefore, justifiably good.

There is a streamlined system for deporting aliens convicted of crimes. There is a requirement that all criminal aliens be detained until they are deported. Domestic violence and stalking are made deportable offenses. There is a provision to eliminate what is called "parachute kids," foreign students who come in and then attend public schools at taxpayer expense. I commend Senator FEINSTEIN for her work on that one. There is a pilot program for verification of eligibility to work, and there will be much more of that in the future because no matter how vigorous you want to be on illegal immigration and all the abuses of the system, nothing will work until we have a more counterfeit-resistant type of verification system—whatever that may be, whether it would eventually be a Social Security card, a slide-through card like you use with a VISA when you make a purchase, perhaps some type of driver's license photograph, retina examination like they have done in California. But at some point in time you are going to have to have a more secure identifier. It is going to have to be used only twice in a person's life. It is used at the time of new-hire employment, at the time of work, and at the time of drawing any benefits from any public assistance program. That is when it would be used. Of course, it would have to be presented by not just people who "look foreign", but by, as I have said a thousand times, by bald Anglos like me, too. That is what will come.

It is interesting to me that, still, you hear the cry of the editorial writers talking about the "slippery slope" and ID cards, national ID cards, or tattoos, or Nazi Germany. I heard all that in 18 years. But I haven't seen anybody write anything yet about the fact that when you go to get on an airplane, somebody at the curb, who is not connected with any agency, except the airline, is asking you for a picture ID I am waiting for the first editorial on that. I am sure it will be a magnificent thing, about the slippery slope.

What it is about is safety, and what it is about here in immigration is the abuse of the system. The sooner we get on with it and forget the blather about a national ID—which nobody ever proposed and never has been part of any bill I have been involved with—get on with it, unless, of course, somebody can tell me what we should do with the gentlemen at the curb who asks you for a picture ID.

So we also have in this bill a nationwide fingerprinting of apprehended illegals within the IDEN system. We have confidentiality provisions for battered women and children so that there cannot be someone holding someone in almost a hostage situation because of their status as illegals. People say, well, when these people come and they are illegal, we must care for them and be humane. I say, you bet. How do you do that when they are here illegally? When they are illegal, they are going to be exploited. There is protection for battered women and children in the welfare provisions. We have increased staffing at ports of entry. We have criminal penalties for high-speed flights and border checkpoints, which often lead to great safety difficulties for the enforcement officials. We have subpoena authority for employer sanctions investigations.

We have the AG's authority for use of State or local law enforcement officers—something that would never have been suggested years ago. There is also a provision for a fence, a 12 or 14-mile fence along the southern border of the United States. That is in here. There are a lot of things in here. I hope I get that in perspective. We have waived some of the serious environmental obstructions on the construction of that fence, and that is in the bill. That had leverage on that.

People say, "How could you do this and waive the Endangered Species Act," and so on. The reason we did that is because we need to get the fence built. The last time we built a fence in that area, there was something called the "California gnat catcher," or something, that held it up for many, many months until they found that the gnat catcher really would fly over a fence to mate. I thought that was good that they determined, since it had wings, it probably would fly over a fence to mate. And so that is the kind of thing we will have abrogated under this bill.

It doesn't mean that we are dissembling the environmental laws. In fact, it was the work of Senator FEINSTEIN and Senator KYL that gave rise to the need for the fence. If you have ever been to the border near Tijuana, from the sea to the Tijuana Airport, you really want to see that some day. I also commend the Border Patrol and the INS for their work. So those are some of the things that are in the bill, and many more. I could go on, but I shan't.

I want to thank LAMAR SMITH. I thank Senator KENNEDY. He never votes with me, but I want to thank him anyway. He and I have worked together on immigration for 18 years. He has been the chairman, or I have been the chairman. There have been some remarkable negotiations and discussions, but through it all has been his staff person, Michael Myers, and there has been Jerry Tinker, a marvelous man, who is gone from us now, but was a great help to my person. My friend Dick Day, who served me as chief counsel and staff director in all of my im-

migration activities, there could not be a truer friend, a more loyal man than Dick Day. He worked so closely with Jerry Tinker, another wonderfully loyal and delightful man, and with Michael Myers and Senator KENNEDY.

We have had a good run. It has been a great pleasure. Congressman BERMAN was with us the other evening until 2 in the morning, another spirited and remarkable man I have come to enjoy greatly. I thank ORRIN HATCH for his steady, powerful work with regard to things that create passion in him. He is a man of passion and such a bright and thoughtful legislator. He was steady at the helm through all of this, with regard to the negotiations in conference. And to JOHN KYL, who is a newer member of the subcommittee which I chaired, a wonderfully perceptive, thoughtful, precise individual, who, when he sees something, he knows what result he wants to obtain. He will get that.

Another member of the subcommittee is DIANNE FEINSTEIN. Senator FEINSTEIN is a remarkable woman. It has been a great pleasure to work with her on illegal and legal immigration matters, and to see her learn the issues. The issues of immigration are emotion, fear, guilt, and racism. The only way to do it is to wipe those people away who talk like that and move on into the issue as it really is. Brush away emotion, fear, guilt, and racism. She has done that, and she is good.

Next year, either she or Senator KYL will be the chairman of the subcommittee. If I may make a partisan statement, I hope it will be Senator KYL because he would be, of course, the Republican majority member. If not, then Senator FEINSTEIN will be the Chair. But either way, America will gain from these two people. They work together very well. They worked on the fence issue, on other issues in conference, and they have a duality of interest and regard and trust for each other. You can't do this work without an element of trust.

So as I then finish the remarks about what is still in this bill—and I have given you that—let me tell you what was taken from title V. Remember, there were no changes in any other title of this bill. But in title V, through the negotiations of these last long nights, and rosy-fingered dawn, here is what has been lost from title V.

Under the administration's threat of shutting down the Federal Government unless Congress make changes in the immigration bill—and that was, in essence, a threat—that it pass both Houses by huge majorities, we lost some very important parts of the conference report. Principally, we lost the provision that would have ensured that persons who bring their immigrant relatives would have sufficient resources or income to provide them support, if needed. This was called the 140- or 200-percent requirement of poverty; 140-percent of poverty level and 200-percent requirement of poverty level. That was

to reduce the number of those immigrant relatives who themselves would qualify for welfare, where you have a situation where a person bringing in an immigrant member of their family may not have enough resources to escape the poverty level themselves.

So it seems absurd to lower it as it now has come down to 125 percent of poverty where a person near poverty gets to bring in another person near poverty, and then that person who comes in under the new law being a public charge and being responsible for that person, then you are going to have a serious problem. But that will come to pass, and that will be corrected within years to come.

But even under the 140-percent standard, many immigrants would immediately qualify for many welfare programs. But even this modest standard was too much for the President. And he can answer for that in the campaign and in the future.

We lost a provision that would have defined the term "public charge." And without such a definition we really cannot deport even those recent immigrants who have become completely dependent upon taxpayer-funded welfare. The only bright spot there is that under the welfare bill you can't receive welfare for a 4- or 5-year period, and there are certain conditions there.

The White House also insisted on the removal of the provision prohibiting illegal aliens from earning Social Security credits while working illegally in the United States. That is a rather remarkable bit of information, and that is what the President insisted upon. We had it in there to prohibit illegal aliens from earning Social Security credits while working illegally in the United States.

The White House even rejected the provision which would have required a fair distribution of refugee assistance. This was one of the principal activities of Senator FEINSTEIN. This is what she had in mind, and she was very right. And I tried to stick with her through all of the negotiations, because under current law the distribution of refugee assistance is highly erratic and inequitable. California counties receive \$37 per refugee while counties in certain other States receive almost \$500 per refugee.

We shall let the President explain that to the people of California, which I am sure he will.

Finally, we lost provisions that would have prevented illegal aliens from receiving treatment for AIDS.

I hope you hear that. This is not about homophobia. It is not about anything. It is about a remarkable provision that means that, if an illegal alien is receiving treatment for AIDS, they will continue to receive that treatment which can amount to about \$119,000 per year. We have provisions in the law that illegals receive assistance for certain illnesses and ailments—tuberculosis. Obviously, that is in our vital interest. But never have we done this,

which is an extraordinary departure. And we shall let the President explain that, how we provide taxpayers' money to illegal aliens for treatment—not testing—treatment for AIDS.

I worked diligently to remove that. It is not removed. And the President will explain that, and I know he will.

But what remains in title V is of interest, too, because here is what we salvaged from that section of that title. States may deny driver's licenses to illegal aliens under title programs; very good provision.

Social Security benefits may no longer be paid to illegal aliens in the United States, even though I read you the other portion. That is different. They may no longer be paid.

For the first time all applicants for Federal public assistance must provide proof of citizenship, or legal residence. That is in title V.

Illegal aliens will no longer be eligible for reduced in-State college tuition. It is in there. The GAO will study the use of Pell grants and federally funded student aid of college students who are illegal, or nonresident aliens. That is in there.

Every person seeking to bring their relatives here as immigrants must sign a legally enforceable affidavit promising to provide financial support, if required. That is in there; very important provision.

All persons who bring their relatives here as immigrants must have an income of at least 125 percent of the poverty level. I very much wish it could have been more. I think that is going to cause real problems in the future.

States will now be authorized to limit aliens' access to cash assistance programs.

Federal funds will be authorized for full reimbursement to States for the cost of emergency medical and ambulance services to illegal aliens. That is a very important provision; bipartisan in every way.

We restrict the availability of public housing to illegal aliens, finally. It is not what we wanted. But it is a start. Senator HARRY REID worked on that for years. Many of us have worked on that for many years. There were changes. But it is still in there. Then we require verification of eligibility of citizenship for lawful alien status in order to obtain public housing.

So those are things that still are retained in title V. And you will recall that the White House was insisting that title V be repealed. It was not repealed.

There were good things in it that were taken out. I reviewed those. Good things in it were left in. And I reviewed those.

I ask unanimous consent that a statement of legislative history on Division C be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DIVISION C: STATEMENT OF LEGISLATIVE HISTORY

Division C shall be considered as the enactment of the Conference Report (Rept. 104-

828) on H.R. 2202, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, with certain modifications to Title V of the Conference Report.

The legislative history of Division C shall be considered to include the Joint Explanatory Statement of the Committee of Conference in Report 104-828, as well as the reports of the Committees on the Judiciary, Agriculture, and Economic and Educational Opportunities of the House of Representatives on H.R. 2202 (Rept. 104-469, Parts I, II, and III), and the report of the Committee on the Judiciary of the Senate on S. 1664 (Rept. 104-249).

The following records the disposition in Division C of the provisions in Title V of the Conference Report. (The remaining Titles of the Conference Report have not been modified.) Technical and conforming amendments are not noted.

Section 500: Strike.

Section 501: Modify to amend section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) to insert the provisions in section 501(c)(2) of the Conference Report relating to an exception to ineligibility for benefits for certain battered aliens. Strike all other provisions of section 501.

Section 502: Modify to authorize States to establish pilot programs, pursuant to regulations promulgated by the Attorney General. Under the pilot programs, States may deny drivers' licenses to illegal aliens and otherwise determine the viability, advisability, and cost effectiveness of denying driver's licenses to aliens unlawfully in the United States.

Section 503: Strike.

Section 504: Redesignate as section 503 and modify to include only amendments to section 202 of the Social Security Act, and new effective date. Strike all other provisions.

Section 505: Redesignate as section 504 and modify to amend section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide that the Attorney General shall establish a procedure for persons applying for public benefits to provide proof of citizenship. Strike all other provisions.

Section 506: Strike.

Section 507: Redesignate as section 505.

Section 508: Redesignate as section 506 and modify. Strike subsection (a) and modify requirements in subsection (b) regarding Report of the Comptroller General.

Section 509: Redesignate as section 507.

Section 510: Redesignate as section 508. Modify subsection (a) and redesignate as an amendment to section 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (b).

Section 511: Redesignate as section 509. Modify to change references to "eligible aliens" to "qualified aliens" and make other changes in terminology.

Section 531: No change.

Section 532: Strike.

Section 551: Modify to reduce sponsor income requirement to 125 percent of poverty level. Strike subsection (e) of Immigration and Nationality Act (INA) section 213A as added by this section. Make other changes to conform INA section 213A as added by this section to similar provision enacted in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Strike subsection (c).

Section 552: Modify to amend section 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to include the provisions in section 552(d)(1) and 552(f). Strike all other provisions.

Section 553: Strike.

Section 554: Redesignate as section 553.

Section 561: No change.

Section 562: Strike.

Section 563: Redesignate as section 562.

Section 564: Redesignate as section 563.

Section 565: Redesignate as section 564.

Section 566: Redesignate as section 565 and modify to strike (4).

Sections 571 through 576: Strike and insert sections 221 through 227 of the Senate amendment to H.R. 2202, as modified.

Section 591: No change.

Section 592: Strike.

Section 593: Redesignate as section 592.

Section 594: Redesignate as section 593.

Section 595: Redesignate as section 594.

A CAREER IN POLITICS

Mr. SIMPSON. Mr. President, I will speak a bit about the fact that this will be my last opportunity to be on this floor. Indeed, it has been a rich and wonderful experience.

There are several corollaries that I could share with those who come after me with regard to legislating. One is that legislating is very dry work, if done properly. It is not about sound bites. It is not about press conferences. It is called hard work—doing your homework, doing the hearings, sitting at the hearings, getting involved in the floor debate, the conference committee, and the all-night sessions. That is what it is. And there are many who do it well.

The occupant of the Chair is a classic example of a legislator—a true legislator; a right down-in-the-trench legislator, and he knows the rules of the game to help get the work done. And no one is more skilled than that.

There is another one as skilled—perhaps more. And I think the Senator in the chair would admit that it is Senator ROBERT BYRD of West Virginia who has become a very delightful friend. I wish that all here could get to know him—a most extraordinary Renaissance type of legislator; a soaring and extraordinary person who knows his craft. And all of us would admit that without any possible exception.

So to ROBERT BYRD, my thanks because he "trained me up." He taught me so much. And when I was a ram-bunctious, new assistant majority leader, he took me under his wing. One night I remember he was on the other side of a rather wrenching all-night session. And I was hunting for ways out. I said, "ROBERT, how do I get out of this?" He said, "Now, sit down, ALAN."

I shall relate to you some things that later will be discerned where they may have come from where you will be unable to identify the source.

Then he told me how to extricate myself. I did it in a way which, obviously, was deferential and pleasing to him, and certainly to me it "saved my bacon," would be the phrase.

I have not forgotten that. I would never forget those things.

So it has been a great joy to serve with him.

Then, of course, my dear colleague, CRAIG THOMAS. We didn't come here together but we grew up together. We